

DRAFT

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
Will meet on Monday March 20, 2023, at 10:00 a.m.
Indiana Government Center-South, Room W064
402 West Washington Street, Indianapolis, Indiana 46204

CALL TO ORDER & ESTABLISHMENT OF QUORUM

10:00 A.M.

Diane Weisheit called the meeting to order at 10:00 a.m. and established a quorum pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting

Board Members Present:

Diane Weisheit, President
Victoria Ross, Vice President
Diana Bonn
Kendra Forrester

Board Member Absent:

Gregory Kenny

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency
Marianna Kassenbrock
Claire Dyer, Board Advisory Counsel, Office of the Attorney General

ADOPTION OF THE AGENDA

A motion was made and seconded to amend the agenda to combine Consideration of Motion to Stay License Denial and appeal hearing in the matter of Salon by Cyn LLC, 2023SBCBE0036

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

A motion was made and seconded to adopt the agenda as amended.

Ross/Bonn

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

ADOPTION OF THE MINUTES FROM THE JANUARY 23, 2023 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes of January 23, 2023.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

OFFICE OF THE ATTORNEY GENERAL'S REPORT

Written and verbal report provided.

Consideration of Motions to Dismiss

1. Evans Nails Salon Co, 2023SBCBE0030

A motion was made and seconded to Dismiss the matter.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

2. Charlie Dang, MA29501949, 2022SBCBE0110

A motion was made and seconded to Dismiss the matter.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

3. Jafet Soto, 2022SBCBE0256

A motion was made and seconded to Dismiss the matter.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

Administrative Hearings to Consider Withdrawal of Probation

1. Derrick McCain, BA11800188, 2018SBCBE0181

A motion was made and seconded to deny the petition because criminal probation is not complete.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

2. Bianca Neville, MA22100128, 2021SBCBE0082

A motion was made and seconded to issue a Notice of Proposed Dismissal.

Bonn/Forrester

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

3. Duy Duc Nguyen, MA21900312, 2019SBCBE0093

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

4. Lucinda Roghrauff, ES22200419, 2022SBCBE0093

A motion was made and seconded to issue a Notice of Proposed Dismissal.

Bonn/Forrester

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

5. Emily McInerney, BC21301860, 2021SBCBE0218

A motion was made and seconded to remove probation.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

6. Ilona Burress, ES21500201, 2015SBCBE0057

A motion was made and seconded to remove probation.

Bonn/Forrester

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

7. Lavish Nails & Spa LLC, BS91800343, 2018SBCBE0069

A motion was made and seconded to remove probation.

Ross/Forrester

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

Administrative Hearings to Consider Application Denial Appeals

1. Karen Pavon Lozano, 2022SBCBE0122

A motion was made and seconded to issue a Notice of Proposed Dismissal.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

2. Juana Ramirez, 2023SBCBE0038

A motion was made and seconded to issue a Notice of Proposed Dismissal.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

3. Salon by Cyn LLC, 2023SBCBE0036

A motion was made and seconded to reverse the denial and issue the license on indefinite probation with no right to petition for removal until passing another inspection.

Ross/Bonn

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

4. Wash and Glow, LLC dba The Glowbar by Cyn, 2021SBCBE0262

This was the same location as Salon by Cyn LLC.

Administrative Hearing to Consider Reinstatement from Suspension

1. Alex Unisex Hair Salon, BS91900875, 2019SBCBE0125

A motion was made and seconded to deny the petition for reinstatement and to request the inspector notify the board when they find it has permanently closed.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

A motion was made and seconded to issue a Notice of Show Cause for unlicensed practice.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

2. Omalia Marie Villalona, ES21900472, 2020SBCBE0149

A motion was made and seconded to issue a Notice of Proposed Dismissal at 1:51 p.m.

Forrester/Bonn

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

Administrative Hearing to Consider Motion for Cease and Desist

1. Jasmine Rios, 2022SBCBE0217

A motion was made and seconded to hold Respondent in default.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

A motion was made and seconded to issue a Cease and Desist and file a complaint against Jeymy Shaylu Nunez Nunez.

Ross/Bonn

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

2. Oscar Talonia, 2022SBCBE0225

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

Administrative Complaint Hearings

1. Sassy Nail & Spa, BS91400745, and Amy Uyen Ha, BC20908381, 2020SBCBE0066

A motion was made and seconded that the state has proved its case. It was further moved to keep original probation terms and additionally modify the terms to prohibit requesting withdrawal from probation for one year from the date of this Order and after passing inspection for both Respondents, impose a civil penalty of \$3500.00 and cost of the proceedings on Respondent Salon.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

2. Nail Art, MS30701230, Van Chinh Lam, BC20200328, and Linn Huang Lam, BC20001728, 2021SBCBE0123

A motion was made and seconded to continue the matter so all Respondents may attend.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

3. Kim's Nails, MS39800948, Linh M. Phung, MA20402217, and Hung Thruong, MA21500031, 2020SBCBE0068

Hearing was not conducted because the board accepted the proposed settlement presented today.

4. Paris Nails, BS91400838, and Bao Ngoc Thi Than, MA21300342, 2021SBCBE0067

A motion was made and seconded to hold Respondents in Default.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

A motion was made and seconded that the state proved its case on all counts. In the matter of Paris Nails; impose a civil penalty of \$3250.00, indefinite probation with no right to petition for removal for one year after passing inspection and pay a fee of \$5.00 to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. In the matter of Bao Ngoc, impose a civil penalty of \$1000.00 fine, indefinite probation with no right to petition for removal for one year, pay a fee of \$5.00 to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund, and impose the cost of the proceedings.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

Personal Appearance and Consideration of Application for License Reinstatement

1. Chelsea Berry, BC21801632

A motion was made and seconded to deny reinstatement for failure to appear.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

2. Tonya Borgerding, BC21701558

A motion was made and seconded to approve reinstatement on probation with no right to petition for removal until she has completed her criminal obligation.

Forrester/Bonn

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

3. April Boyd, BC20201237

A motion was made and seconded to approve on probation.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

4. Christine Buczek, BC20200888 – Rescheduled

5. Briean Brown, BA11400072

A motion was made and seconded to deny reinstatement for failure to appear.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

6. Linda Lewis, BC21800864

A motion was made and seconded to approve reinstatement of the license.

Forrester/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

7. Richardo Lujan-Recendez, BC21100408

A motion was made and seconded to deny reinstatement for failure to appear.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

8. Erica Pullam, BC20401053

A motion was made and seconded to reinstate on indefinite probation and limit the practice to adults eighteen years of age and older only with no right to petition for reinstatement until the criminal obligation is complete.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

9. Andrew Torres, BA11900010

A motion was made and seconded to approve reinstatement on indefinite probation with no right to petition for reinstatement until the criminal obligation is complete.

Ross/Bonn

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

10. Rated Next Barber Stylist School, SC40900055

A motion was made and seconded to reinstate the license.

Ross/Forrester

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

11. Bryan Weiland, BA11800145

A motion was made and seconded to reinstate the license and refer the pending matter to the OAG so they can follow the charges.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

Personal Appearance and Consideration of Application for Beauty Culture School License

1. Herron Academy of Beauty & Therapeutic Wellness

A motion was made and seconded to approve the application given the fact the owner indicated she would separate the foundation classes per discipline.

Ross/Forrester

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

Discussion of Proposed Rules Review Comments

The board completed their review of the Governor's office comments and questions.

Consideration of Notice of Proposed Dismissal

1. Shaylah Shepard, BC222000603, 2022SBCBE0086

A motion was made and seconded to dismiss the matter.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

2. Jacinda Myers, ES22200420, 2022SBCBE0094

A motion was made and seconded to Dismiss the matter.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

Consideration of Notice of Proposed Default

1. Hang Cam Le, BC20600864 & LaVie Nails, BS91400482, 2021SBCBE0208 & 209

A motion was made and seconded to reset the hearing.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

Consideration of Proposed Findings of Fact, Conclusions of Law and Order

1. Champz Barbershop, BS91700775, Mitchell Grant, BA10500120, & Robert White, BA00172330, 2021SBCBE0011

The State will withdraw the proposed settlement due to a discrepancy on the signature page.

2. TJ Nails, BS91500681 & Billy V. Tran, MA20402511, 2021SBCBE0159 & 162

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

3. UA Nails, BS91601030 & Phuong Nguyen, MA20401821, 2021SBCBE0182 & 184

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

4. Duong Thingoc Le, MA20301689 & Cali Nails, MS31200007, 2021SBCBE0214 & 233

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

5. Ngochanh Nguyen, MA21010832, 2021SBCBE0274

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

6. Thy Nails, BS91500208, 2021SBCBE0275

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

7. La Tran, MA20300600 & Top Nails, MS30802078, 2022SBCBE0032 & 33

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

8. Queen Nails, MS30400180, 2022SBCBE0130 & 131

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

9. Tina Hao Nguyen, BC21101981 & Nails & Spa, BS91600777, 2022SBCBE0136 & 135

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

10. Gorgeous Nails, LLC, BS91600740 & Keng Cheng Lim, MA21011073, 2022asbcbe0206 & 207

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

Consideration of Motion to Set Default Hearing

1. Paris Nails, BS91400838 & Bao Ngoc Than, MA21300342, 2021SBCBE0067

The State vacated the Motion.

Consideration of Motion to Set Hearing

1. Nail Art, MS30701230, Van Chinh Lam, BC20200328, & Linn Huang Lam, BC20001728, 2021SBCBE0123
2. Jordan Somer Johnson, BC21012810, 2021SBCBE0261
3. Hoa Hiep Nguyen, BC21200275, 2022SBCBE0155
4. Nifty Nails, MS31300010, 2022SBCBE0156
5. Thuc T. Ho, MA21900450, 2022SBCBE0170

A motion was made and seconded to approve all Motions.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

Consideration of Motion to Schedule Settlement Conference

1. T & T Nails, BS91900446, 2022SBCBE0056
2. Nail Gallery, BS92200140, 2022ABCBE0161
3. Dong Hao Nguyen, MA22000093, 2022SBCBE0169

A motion was made and seconded to approve all Motions.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

Request for Waiver of One Year Deadline to Pass the Exam after Graduation from Beauty Culture School

1. Jamie Chavies, Graduated 6/1/1997

A motion was made and seconded to deny the request.

Bonn/Ross

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

Application Review

1. Lil Lou's Beauty and Barber College, South Bend, IN, Application for Beauty Culture School License

A motion was made and seconded to table the application and schedule the matter for a personal appearance at the next meeting. The Board would like to see a completed floor plan, enrollment agreement for the South Bend location, curriculum, and progress requirements.

Bonn/Forrester

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

2. Application Report

A motion was made and seconded to approve the application report as presented.

Ross/Forrester

4/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, and Kendra Forrester

ADJOURNMENT

The meeting adjourned at 4:50 p.m.